

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MACK TRUCKS, INC.,

Case No. 07 CV 3631

JUDGE CROTTY

Plaintiff,

- against -

**ANSWER**

JOHNNY M., LLC and COMPONENTS BY  
JOHN McCOY, INC.,

Defendants.

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The Defendant COMPONENTS BY JOHN McCOY, INC. appearing by  
the undersigned, as and for an answer, alleges as follows:

1. Denies and reserves to the court all questions of law  
as to paragraphs 1, 2, 7, 8, 9, 10, 12, 13, 21, 23, and  
25.
2. Denies knowledge and information sufficient to form or  
belief as to paragraphs 3, 6, 14, 15, 18, 20, 22 and  
30.
3. Denies upon information and belief the allegations  
contained in paragraph 4.
4. Repeats, reiterates and realleges each and every denial  
herein contained as to paragraphs 19, 24, 28 and 34.

**AS AND FOR A SEPARATE AND DISTINCT  
AFFIRMATIVE DEFENSE THE DEFENDANT COMPONENTS  
BY JOHN McCOY, INC. ALLEGES AS FOLLOWS**

5. The agreements referred to herein with regard to this  
Defendant are not in writing and required to be such by

the Statute of Frauds, in particular § 5-701 of the General Obligations Law of the State of New York.

**AS AND FOR A SECOND SEPARATE AND DISTINCT  
AFFIRMATIVE DEFENSE THE DEFENDANT ALLEGES  
AS FOLLOWS**

6. That the claims against this answering Defendant COMPONENTS BY JOHN McCOY, INC. are in violation of the Pennsylvania statutes, and consolidated statutes annotated (Currentness, Title 33, Section 3).

By reason of the foregoing, the Defendant COMPONENTS BY JOHN McCOY, INC. demands that this action be dismissed together with the costs and disbursements of the same.

Dated: New York, New York  
June 18, 2007

Yours, etc.

NEIL L. FUHRER & ASSOC. LLP  
Attorneys for Defendant  
Components by John McCoy, Inc.

By \_\_\_\_\_

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